

RESOLUTION NO. 153-21

The Board of County Commissioners of Clermont County, Ohio met in regular session on the 15th day of September, 2021, with the following members present:

Claire B. Corcoran, President

David L. Painter, Vice President

Bonnie J. Batchler, Member

~~Ms.~~ Mr. Painter moved for the adoption of the following

Resolution:

RESOLUTION TO AUTHORIZE THE EXECUTION OF AN AGREED COURT ENTRY FOR THE ACQUISITION OF AN EASEMENT OVER CERTAIN REAL PROPERTY OWNED BY AMBER FARAH NKA AMBER J. BERRY, WHICH PROPERTY IS NECESSARY TO COMPLETE THE NEWSTONSVILLE SEWER COLLECTION SYSTEM AND WASTE WATER TREATMENT PLANT PROJECT

WHEREAS, the Board of County Commissioners did previously adopt in February of 2021, a Resolution No. 026-21 declaring necessity to appropriate an easement over certain land for public purposes; and

WHEREAS, the easement needed for such public purposes involved portions of parcel number 49-34-10A-118. which is owned by Amber Farah NKA Amber J. Berry; and

WHEREAS, previous failure to resolve this issues by negotiation resulted in the filing of a Petition to Appropriate Real Property in the Clermont County Court of Common Pleas, subject to a trial by jury, being Case No. 2021 CVH 00204 (the "Lawsuit") and

WHEREAS, through additional negotiations an agreement was reached as to the value of the land appropriated in the Lawsuit, which totaled Twenty Six Thousand Seven Hundred

Twenty Six Dollars and No Cents (\$26,726.00); and

WHEREAS, Lyle G. Boom, P.E., Director of Utilities, Clermont County Water Resources Department, with the concurrence of Joseph T. Mooney, recommends that the Board of Commissioners of Clermont County accept the settled upon value as it appears to be financially responsible, fair, and reasonable; and

WHEREAS, Three Thousand Six Hundred Twenty Six Dollars and No Cents (\$3,626.00) was deposited at the time of the filing of the Lawsuit with the Clermont County Common Pleas Court Clerk;

WHEREAS, Amber Farah NKA Amber J. Berry has executed the Agreed Entry resolving the Lawsuit;

NOW, THEREFORE, BE IT RESOLVED, by the Board of Commissioners of Clermont County, Ohio, that the Board upon adoption of this Resolution consents to receiving the permanent easement for the purpose of completing the Newtonsville Sewer Collection System and Waste Water Treatment Plant project, and recording said permanent easement and,

NOW, THEREFORE, BE IT FURTHER RESOLVED, that the Clermont County Prosecutor is hereby authorized to execute the Agreed Entry and do all other things necessary to effectuate this Resolution;

NOW, THEREFORE, BE IT FURTHER RESOLVED, the Clermont County Auditor shall issue a warrant in the amount Twenty Three Thousand One Hundred Dollars and No Cents (\$23,100.00) from Account No. 006402-664001-60116 payable to the Clermont County Clerk of Courts for the balance of the agreed upon settlement price of Twenty Six Thousand Seven Hundred Twenty Six Dollars and No Cents (\$26,726.00).

NOW, THEREFORE, BE IT FURTHER RESOLVED, that the Board of County Commissioners hereby finds and determines that all formal actions relative to the passage of this Resolution were taken in an open meeting of this Board, and that all deliberations of this Board and of its Committees, if any, which resulted in formal action, were taken in meetings open to the public in full compliance with applicable legal requirements, including Section 121.22 of the Ohio Revised Code.

Ms. Batchler seconded the Resolution and on roll call the vote resulted as follows:

Claire B. Corcoran:

yes

David L. Painter:

yes

Bonnie Batchler:

yes

ATTEST:

Holly Cruey
HOLLY CRUEY, CLERK

Clermont County Board of Commissioners

DATED: Sept 15, 2021

This Resolution prepared and approved
as to form by the Office of the
Clermont County Prosecuting Attorney,
Mark J. Tekulve, Prosecutor

Joe Mooney
JOSEPH T. MOONEY
Assistant Prosecuting Attorney

DATED: 9-10-21

RESOLUTION NO. 151-20

The Board of County Commissioners of Clermont County, Ohio, met in regular session on the 15th day of September 2021, with the following members present:

Claire B. Corcoran, President

David L. Painter, Vice President

Bonnie J. Batchler, Member

Mr. (s) Painter moved for the adoption of the following Resolution:

**RESOLUTION ACCEPTING RECOMMENDATION OF ENGINEER;
TERMINATING PERFORMANCE BOND AND ACTIVATING MAINTENANCE
BOND OF COMBINED PERFORMANCE AND MAINTENANCE BOND
DOCUMENTS FOR CELESTIAL ESTATES SUBDIVISION, SECTION 1, IN
MIAMI TOWNSHIP.**

WHEREAS, the Board has previously by Resolution dated November 20, 2019 as appears in Commissioners' Journal 317, accepted a Combined Performance and Maintenance Bond of Brookstone Homes, LLC. as principal and The Berkley Insurance Company as surety for the development and construction of Carson Way and related improvements of Celestial Estates Subdivision, Section 1, and

WHEREAS, the office of the County Engineer has inspected the right-of-way and related improvements, and approves they have been constructed according to the plans and specifications previously approved; and

WHEREAS, the Combined Performance and Maintenance Bond by its own terms requires a conversion to a Maintenance Bond for a period of one year to insure that the above-referenced principal maintain the improvements in accordance with the subdivision regulations of Clermont County, Ohio.

NOW, THEREFORE, BE IT RESOLVED, as follows:

1. That the performance provisions of the above referenced bond have been completed and the bond is released as to the performance aspects. The surety

represented by the previously referenced bond shall continue as surety for the maintenance aspects of the bond.

2. That the Maintenance Bond provisions of the Combined Performance and Maintenance Bonds are hereby effective and activated and that the said principal and sureties shall remain firmly bound to Clermont County, Ohio in the penal sum of \$10,000.00 as previously provided and shall continue to be so responsible for a period of one year of use from the date of this conversion during which period the Maintenance Bond shall remain in full force and effect upon the terms previously specified in said Bond.
3. That the Clerk shall certify this Resolution to the County Engineer who shall notify the principal and sureties of this conversion of the bond pursuant to its terms.

NOW, THEREFORE, BE IT FURTHER RESOLVED, that the Board of County Commissioners hereby finds and determines that all formal actions relative to the passage of the Resolution were taken in an open meeting of this Board and of its Committees, if any, which resulted in formal action, were taken in meetings open to the public, in full compliance with the applicable legal requirements, including Section 121.22 of the Ohio Revised Code.

Mr.(s) Batchler seconded the motion and upon roll call, the vote was as follows:

Mrs. Corcoran	<u>Yes</u>
Mr. Painter	<u>Yes</u>
Mrs. Batchler	<u>Yes</u>

DATED: Sept. 15, 2021

ATTEST:

Holly Cruey
HOLLY CRUEY, CLERK
Board of County Commissioners

RESOLUTION NO. 150-21

The Board of County Commissioners of Clermont County, Ohio, met in regular session on the 15th day of September 2021, with the following members present:

Claire B. Corcoran, President

David L. Painter, Vice President

Bonnie J. Batchler, Member

Mr.(s) Batchler moved for the adoption of the following Resolution:

**RESOLUTION ACCEPTING RECOMMENDATION OF ENGINEER;
TERMINATING PERFORMANCE BOND AND ACTIVATING MAINTENANCE
BOND OF COMBINED PERFORMANCE AND MAINTENANCE BOND
DOCUMENTS FOR AMELIA PARK II SUBDIVISION, SECTION 10, IN
BATAVIA TOWNSHIP.**

WHEREAS, the Board has previously by Resolution dated August 11, 2021 as appears in Commissioners' Journal 319, accepted a Combined Performance and Maintenance Bond of Welsh Development Company, Inc. as principal and Village of Amelia check number 22834 as surety for the development and construction of Charmalee Drive and Wooded Ridge Drive and related improvements of Amelia Park II Subdivision, Section 10, and

WHEREAS, the office of the County Engineer has inspected the right-of-way and related improvements, and approves they have been constructed according to the plans and specifications previously approved; and

WHEREAS, the Combined Performance and Maintenance Bond by its own terms requires a conversion to a Maintenance Bond for a period of one year to insure that the above-referenced principal maintain the improvements in accordance with the subdivision regulations of Clermont County, Ohio.

NOW, THEREFORE, BE IT RESOLVED, as follows:

1. That the performance provisions of the above referenced bond have been completed and the bond is released as to the performance aspects. The surety represented by the previously referenced bond shall continue as surety for the maintenance aspects of the bond.

2. That the Maintenance Bond provisions of the Combined Performance and Maintenance Bonds are hereby effective and activated and that the said principal and sureties shall remain firmly bound to Clermont County, Ohio in the penal sum of \$10,000.00 as previously provided and shall continue to be so responsible for a period of one year of use from the date of this conversion during which period the Maintenance Bond shall remain in full force and effect upon the terms previously specified in said Bond.
3. That the Clerk shall certify this Resolution to the County Engineer who shall notify the principal and sureties of this conversion of the bond pursuant to its terms.

NOW, THEREFORE, BE IT FURTHER RESOLVED, that the Board of County Commissioners hereby finds and determines that all formal actions relative to the passage of the Resolution were taken in an open meeting of this Board and of its Committees, if any, which resulted in formal action, were taken in meetings open to the public, in full compliance with the applicable legal requirements, including Section 121.22 of the Ohio Revised Code.

Mr.(s) Painter seconded the motion and upon roll call, the vote was as follows:

Mrs. Corcoran	<u>Yes</u>
Mr. Painter	<u>Yes</u>
Mrs. Batchler	<u>Yes</u>

DATED September 15, 2021

ATTEST:

Holly Cruey
HOLLY CRUEY, CLERK
Board of County Commissioners

RESOLUTION NO. 153-21

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David L. Painter, Vice President

Bonnie J. Batchler, Member

~~Ms.~~ Mr. Painter moved for the adoption of the following

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WHEREAS, the Board of County Commissioners did previously adopt in February of 2021, a Resolution No. 026-21 declaring necessity to appropriate an easement over certain land for public purposes; and

WHEREAS, the easement needed for such public purposes involved portions of parcel number 49-34-10A-118. which is owned by Amber Farah NKA Amber J. Berry; and

WHEREAS, previous failure to resolve this issues by negotiation resulted in the filing of a Petition to Appropriate Real Property in the Clermont County Court of Common Pleas, subject to a trial by jury, being Case No. 2021 CVH 00204 (the "Lawsuit") and

WHEREAS, through additional negotiations an agreement was reached as to the value of the land appropriated in the Lawsuit, which totaled Twenty Six Thousand Seven Hundred

Twenty Six Dollars and No Cents (\$26,726.00); and

WHEREAS, Lyle G. Boom, P.E., Director of Utilities, Clermont County Water Resources Department, with the concurrence of Joseph T. Mooney, recommends that the Board of Commissioners of Clermont County accept the settled upon value as it appears to be financially responsible, fair, and reasonable; and

WHEREAS, Three Thousand Six Hundred Twenty Six Dollars and No Cents (\$3,626.00) was deposited at the time of the filing of the Lawsuit with the Clermont County Common Pleas Court Clerk;

WHEREAS, Amber Farah NKA Amber J. Berry has executed the Agreed Entry resolving the Lawsuit;

NOW, THEREFORE, BE IT RESOLVED, by the Board of Commissioners of Clermont County, Ohio, that the Board upon adoption of this Resolution consents to receiving the permanent easement for the purpose of completing the Newtonsville Sewer Collection System and Waste Water Treatment Plant project, and recording said permanent easement and,

NOW, THEREFORE, BE IT FURTHER RESOLVED, that the Clermont County Prosecutor is hereby authorized to execute the Agreed Entry and do all other things necessary to effectuate this Resolution;

NOW, THEREFORE, BE IT FURTHER RESOLVED, the Clermont County Auditor shall issue a warrant in the amount Twenty Three Thousand One Hundred Dollars and No Cents (\$23,100.00) from Account No. 006402-664001-60116 payable to the Clermont County Clerk of Courts for the balance of the agreed upon settlement price of Twenty Six Thousand Seven Hundred Twenty Six Dollars and No Cents (\$26,726.00).

NOW, THEREFORE, BE IT FURTHER RESOLVED, that the Board of County Commissioners hereby finds and determines that all formal actions relative to the passage of this Resolution were taken in an open meeting of this Board, and that all deliberations of this Board and of its Committees, if any, which resulted in formal action, were taken in meetings open to the public in full compliance with applicable legal requirements, including Section 121.22 of the Ohio Revised Code.

Ms. Batchler seconded the Resolution and on roll call the vote resulted as follows:

Claire B. Corcoran:

yes

David L. Painter:

yes

Bonnie Batchler:

yes

ATTEST:

Holly Cruey
HOLLY CRUEY, CLERK

Clermont County Board of Commissioners

DATED: Sept 15, 2021

This Resolution prepared and approved
as to form by the Office of the
Clermont County Prosecuting Attorney,
Mark J. Tekulve, Prosecutor

Joe Mooney
JOSEPH T. MOONEY
Assistant Prosecuting Attorney

DATED: 9-10-21

RESOLUTION NO. 152-21

The Board of County Commissioners of Clermont County, Ohio, met in regular session on Sept. 15, 2021, with the following members present:

Claire B. Corcoran, President
David L. Painter, Vice President
Bonnie J. Batchler, Member

Mr(s) Batchler introduced the following resolution and moved its passage:

RESOLUTION AUTHORIZING APPLICATIONS FOR AID TO LOCAL GOVERNMENT FOR INFRASTRUCTURE IMPROVEMENTS AND AUTHORIZING THE CLERMONT COUNTY ENGINEER, JEREMY P. EVANS, TO CERTIFY AND ELECTRONICALLY SUBMIT THE APPLICATIONS FOR PROJECT SUPPORT TO THE OHIO PUBLIC WORKS COMMISSION PURSUANT TO CHAPTER 164 OF THE OHIO REVISED CODE AND FURTHER TO AUTHORIZE JEREMY P. EVANS TO EXECUTE THE OHIO PUBLIC WORKS COMMISSION (OPWC) PROJECT GRANT AGREEMENTS RELATIVE THERETO

WHEREAS, the State of Ohio in enacting House Bill 704 and related amendments to the Ohio Constitution, has provided for financial aid to local governments for infrastructure improvements acting through the Ohio Public Works Commission pursuant to the authority of Chapter 164 of the Ohio Revised Code, and rules promulgated thereunder by the Director of the Ohio Public Works Commission; and

WHEREAS, the Board of County Commissioners, Clermont County, Ohio, has previously conducted a study of its existing capital improvements, the condition of those improvements and the projected capital needs of the county in the ensuing five-year period, and has, after completing such study, compiled a report that included an inventory of the existing capital improvements of the county, a plan detailing the capital improvement needs of the county in the ensuing five-year period and a list of the county's priorities with respect to addressing those needs; and

WHEREAS, the Board of County Commissioners, Clermont County, Ohio, desires to make application for project support and financial assistance in the implementation of those infrastructure improvements, all in conformity with the provisions of Chapter 164 of the Ohio Revised Code.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners, Clermont County, Ohio, to authorize applications for aid to local government for the following infrastructure improvements projects for Program Year 36/22:

Clermont County Engineer:

2022 Bridge Replacements (Goshen Road C57-4.97, Price Road C76-0.28, Price Road C76-0.40, Moore Road (Tate Township))

Project Cost:	\$1,108,195.00
OPWC Grant Funds:	\$875,474.00
MVG Funds:	\$183,075.00
Tate Township:	\$ 49,646.00

East Loveland Bridge M1-0.18

Project Cost	\$ 528,320.00
OPWC Grant Funds:	\$417,373.00
MVG Funds:	\$110,947.00

2022 Landslides (Wolfpen Pleasant Hill Road, Old SR28 #1, Old SR28 #2, Redbird Road (Miami Township), Sugar Camp Road(Miami Township))

Project Cost:	\$1,075,203.00
OPWC Grant Funds:	\$849,410.00
MVG Funds:	\$117,304.00
Miami Township:	\$108,489.00

BE IT FURTHER RESOLVED by the Board of County Commissioners, Clermont County, Ohio, that Jeremy P. Evans, Clermont County Engineer, is hereby authorized and directed to certify and electronically submit the applications for project support to the Ohio Public Works Commission, including all understandings and assurances therein required, and to act in accordance with the applications and to provide such additional information as may be required; and

BE IT FURTHER RESOLVED by the Board of County Commissioners, Clermont County, Ohio, that Jeremy P. Evans, Clermont County Engineer, is hereby authorized and directed to execute the Ohio Public Works Commission Project Grant Agreements by and between the County of Clermont, Ohio, and the State of Ohio, acting by and through the Director of the Ohio Public Works Commission, 65 East State Street, Suite 312, Columbus, Ohio 43215-4213 for OPWC project listed above with associated costs, in concert with the Aid to Local Government Program for 2022/Program Year 36; and

BE IT FURTHER RESOLVED by the Board of County Commissioners, Clermont County, Ohio, that this Board finds and determines that all formal actions relative to the passage of this Resolution were taken in an open meeting of this Board, and that all deliberations of this Board and of its committees, if any, which resulted in formal action were taken in meetings open to the public, in full compliance with applicable legal requirements, including Section 121.22 of the Ohio Revised Code.

The resolution was seconded by Mr. Painter and upon call of the roll; the vote thereon was as follows:

Attest:

Holly Cruey
Holly Cruey, Clerk of the Board
Board of County Commissioners
Clermont County, Ohio

Mrs. Corcoran yes

Mr. Painter yes

Mrs. Batchler yes

This resolution was duly passed on the 15th day of September, 2021.

Approved as to form:

Joe Mooney
Joseph Mooney,
Assistant Prosecuting Attorney